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Utility Patent
Ser. No. 09/767,413

BEFORE THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: C. Cassel)
Serial No.: 09/767,413)
Filed: 01/23/01)
Title: Combination Breathing Monitor)
Alarm And Audio Baby Alarm)

Date: October 6, 2005
Group Art Unit: 2632
Examiner: T. Pham

Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Mail Stop PETITIONS, Box 1450, Arlington, VA 22313 on 10-7-05 (date).

Typed or printed name of person signing this certificate

Terry Lakes

Signature Terry Lakes

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Printed name of person signing this certificate

Terry Lakes

Signature Terry Lakes

RENEWED PETITION UNDER 37 CFR 1.137(b)

Petitions Examiner
Office of the Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

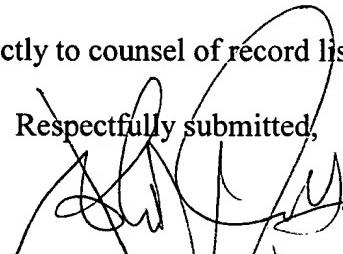
Applicant requests that the above referenced application, on petition dismissed on

**Utility Patent
Ser. No. 09/767,413**

08/31/2004, applicant wishes to provide the enclosed completed copy of the previously filed petition.

Applicant wishes the previous petition be revived and granted, and that should additional input be required that a telephone call be given directly to counsel of record listed below.

Respectfully submitted,



John D. Gugliotta, P.E., Esq.
Registration No. 36,538
202 Delaware Building
137 South Main Street
Akron, OH 44308
330.253.5678

Enclosure: 4

Petition For Revival Of An Application For Patent Abandoned
Unintentionally Under 37 CFR 1.13(b)(2) (Small Entity)

Docket No.
887

In Re Application Of: Cynthia L. Cassel

OCT 11 2005

OCT 11 2005

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
09/767,413	01/23/2001	Toan Pham	33055	2632	2467

Invention: Combination Breathing Monitor Alarm and Audio Baby Alarm

Attention: Office of Petitions

Mail Stop Petition

COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, VA 22313-1450

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper response to a notice or action by the Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extension of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee--required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. A proposed reply to the above-identified Office Action:

is enclosed. was filed on _____

The proposed reply is in the form of: _____

2. The issue fee:

is enclosed. was paid on _____

3. Applicant claims small entity status. See 37 CFR 1.27

4. The abandoned application was a:

design application. utility application. plant application.

5. A terminal disclaimer (and fee) disclaiming a period equivalent to the period of abandonment is enclosed.

6. Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

Petition For Revival Of An Application For Patent Abandoned
Unintentionally Under 37 CFR 1.137(b) (Small Entity)

Docket No.
887

In Re Application Of: Cynthia L. Cassel

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
09/767,413	01/23/2001	Toan Pham	33055	2632	2467

Invention: Combination Breathing Monitor Alarm and Audio Baby Alarm

Calculation and Payment of Fees

Enclosed are the following fees:

7. Petition fee under 37 CFR 1.17(m) in the amount of: \$750.00
8. Fee for amendment in the amount of: _____
9. Fee for extension of time to reply to Office Action in the amount of: _____
10. Issue fee in the amount of: _____
11. Continuing application filing fee in the amount of: _____
12. Terminal disclaimer fee in the amount of: _____
13. _____
- Total fees enclosed: \$750.00

The fee of \$750 is to be paid as follows:

- A check in the amount of the fee is enclosed.
- The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No. 07-2380
- Payment by credit card. Form PTO-2038 is attached.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Petition For Revival Of An Application For Patent Abandoned
Unintentionally Under 37 CFR 1.137(b) (Small Entity)

Docket No.
887

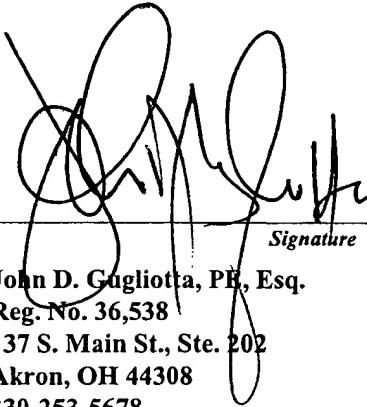
In Re Application Of:
Cynthia L. Cassel

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
09/767,413	01/23/2001	Toan Pham	33055	2632	2467

Invention: Combination Breathing Monitor Alarm and Audio Baby Alarm

Statement

The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.



Signature

John D. Gugliotta, P.R., Esq.
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137 S. Main St., Ste. 202
Akron, OH 44308
330-253-5678
330-253-6658 (facsimile)

Dated: August 22, 2005

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on

August 22, 2005

(Date)

Signature of Person Mailing Correspondence

Terry Lakos

Typed or Printed Name of Person Mailing Correspondence

CC:



PATENT, COPYRIGHT & TRADEMARK

LAW GROUP, LLC

137 S. MAIN STREET, SUITE 202

AKRON, OHIO 44308

(330) 253-5678

1184

**FIFTH THIRD BANK
(NORTHEASTERN OHIO)
CLEVELAND, OHIO
6-27/14/10**

8/22/2005

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Commissioner of Patents & Trademarks

Seven Hundred Fifty and 00/100*****

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PO Box 1450
Alexandria, VA 22313

MEMO
Petition to Abandon Application: 09/767,413

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